



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 03/30/04
AGENDA ITEM 3
WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: Adoption of an Ordinance Amending Ordinance No. 89-057 C.S., as Amended, the Mobilehome Space Rent Stabilization Ordinance

RECOMMENDATION:

It is recommended that the City Council adopt the attached Ordinance.

BACKGROUND:

The ordinance was introduced at the March 23, 2004, meeting of the City Council with the following vote:

AYES:	Council Members:	Jimenez, Hilson, Rodriquez, Ward, Dowling, Henson
	Mayor:	Cooper
NOES:	Council Members:	None
ABSENT:	Council Members:	None
ABSTAIN:	Council Members:	None

The ordinance was published in the Hayward Daily Review on March 27, 2004. Adoption at this time is therefore appropriate.

Prepared by:



Angelina Reyes, City Clerk

Approved by:



Jesús Armas, City Manager

Draft Ordinance

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY THE CITY
COUNCIL OF THE CITY OF HAYWARD

AN ORDINANCE NO. 89-057 C.S., AS AMENDED, THE MOBILEHOME SPACE RENT
STABILIZATION ORDINANCE

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Subdivision 5(c)(1) of Ordinance No. 89-057 C.S., as amended, is further amended as follows:

“(1) Mandatory Meet And Confer Session. Upon receipt of a Petition for Rent Review, the Rent Review Officer shall schedule a mandatory meet and confer session with the Park Owner, representative(s) of the Tenant(s), and the Rent Review Officer or a professional facilitator. The purpose of the meet and confer session(s) will be to have the parties review the notice of rent review and any evidence supporting the proposed rent increase. The parties shall participate in good faith and attempt to resolve the dispute informally. “

Section 2. Subdivision 5(d) of Ordinance No. 89-057 C.S., as amended, is further amended as follows:

“(d) Assignment of Hearing Officer and Hearing Date. Upon completion of the mandatory meet and confer session(s), the Rent Review Officer shall, within five working days provide to the parties a list of at least five hearing officers selected from a list of qualified individuals provided to the City by organizations who provide hearing officers, mediators, or arbitrators for administrative hearings. Within ten days of the receipt of the names of the possible hearing officers, the Rent Review Office shall convene the parties for the purpose of selecting the hearing officer. Each party, commencing with the Tenants first and then the Park Owner, shall strike one name from the list until only one name remains. The remaining name shall become the Hearing Officer for the hearing. The Rent Review Officer shall set a date for the arbitration hearing at the earliest possible date based on the availability of the selected Hearing Officer. The Park Owner and Tenants shall be notified immediately in writing by the Rent Review Officer of the date, time, and place of the hearing, and this notice shall be served either in person or by ordinary mail.”

Section 3. Subdivision 5(e)(4) of Ordinance No. 89-057 C.S., as amended, is further amended as follows:

“(4) Judicial Review of Arbitration Decision. A Park Owner or Tenant who wishes to contest an arbitration decision shall file and complete service of a petition for judicial review of the arbitration decision in accordance with the filing deadlines set forth in Code of Civil Procedure 1094.6. The petition shall be served on the City Clerk, and the City Clerk shall mail by first class mail, return receipt requested, a copy of the petition to the Tenant representative designated in the Petition for Rent Review within ten days of the date of service of the petition for judicial review. Exhaustion of administrative remedies and compliance with the deadlines set forth in this subsection shall be jurisdictional.

Section 4. Subdivision 5(c)(2) of Ordinance No. 89-057 C.S., as amended, is deleted and Subdivision 5(c)(3) is hereby renumbered 5(c)(2).

Section 5. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 6. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

Introduced at a regular meeting of the Hayward City Council held March 23, 2004, the above-entitled ordinance was introduced by Council Member Henson.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on March 30, at 8:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this ordinance is available for examination by the public in the Office of the City Clerk.

DATED: March 27, 2004

Angelina Reyes, City Clerk
City of Hayward